

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND**

MARYLAND SHALL ISSUE, INC., *et al.* \*

\*

Plaintiffs, \*

\*

v. \*

Civil No. 8:21-cv-01967-TDC

\*

MONTGOMERY COUNTY, MD \*

\*

Defendant \*

**NOTICE OF REMOVAL**

Montgomery County, Maryland, by its undersigned counsel and pursuant to the Federal Rules of Civil Procedure and 28 U.S.C. §§ 1441 and 1446, submits this Notice of Removal and in support thereof states:

1. Plaintiffs Maryland Shall Issue, Inc., Engage Armament, LLC, Andrew Raymond, Carlos Rabanales, Brandon Ferrell, Deryck Weaver, Joshua Edgar, Ice Firearms & Defensive Training, LLC, Ronald David, and Nancy David (collectively “Plaintiffs”), commenced a civil action in the Circuit Court for Montgomery County, Civil Case No. 485899V by filing a Complaint on or about May 28, 2021.

2. Defendant timely removed the original Complaint on July 12, 2021 forming case number 8:21-cv-01736-TDC. On February 7, 2022, Judge Chuang remanded Counts I, II, and III for further proceedings in State Court and held Count IV in abeyance pending resolution of Counts I, II, and III. See ECF 22 and 23.

3. Plaintiffs filed the First Amended Complaint on July 22, 2022 adding Count V and alleging, for the first time, violation of the 2nd Amendment. Count V of the First Amended Complaint forms the basis of the instant removal.

4. This Court has original federal jurisdiction over this matter pursuant to 28 U.S.C. § 1331, in that Plaintiffs are alleging a violation of their rights under federal law. Specifically, Plaintiffs allege violation of their rights under the Second Amendment to the United States Constitution, the Due Process Clause of the Fourteenth Amendment to the United States Constitution, and Plaintiffs further seek declaratory, injunctive, and monetary relief under 42 U.S.C. § 1983 and attorneys' fees under 42 U.S.C. § 1988.

4. Copies of all process, pleadings, documents and orders which have been served upon the Defendant are attached hereto. Pursuant to Local Rule 103.5, within thirty (30) days of the filing of this Notice of Removal, Defendants will file true and legible copies of all other documents then on file in the state court, together with a certification from counsel that all filings made in the Circuit Court for Montgomery County, Civil Case No. 485899V, have been filed in the United States District Court.

5. This Notice of Removal has been filed within thirty (30) days of the filing of the 1<sup>st</sup> Amended Complaint asserting federal causes of action.

6. Montgomery County, Maryland is the sole defendant, and the consent of other defendants is unnecessary.

7. Pursuant to the requirement of 28 U.S.C. § 1446(d), counsel for Defendant shall, promptly after the filing of this Notice of Removal, give written notice to all adverse parties and shall file a copy of this Notice with the Clerk of the Circuit Court for Montgomery County.

WHEREFORE, for the foregoing reasons, Defendant, Montgomery County, Maryland in the above-captioned action requests that this action now pending in the Circuit Court for Montgomery County be removed to the United States District Court for the District of Maryland.

Respectfully submitted,

JOHN P. MARKOVS  
ACTING COUNTY ATTORNEY

/s/

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/s/

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/s/

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8<sup>th</sup> day of August 2022, a copy of the foregoing, was electronically filed with notice to:

Mark Pennak, Esquire  
Maryland Shall Issue, Inc.  
9613 Harford Road, Suite C1015  
Parkville, MD 21234

/s/

Sean C. O'Hara  
Associate County Attorney